

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Robert G. Taub, Vice Chairman;  
Mark Acton;  
Tony Hammond; and  
Nanci E. Langley

Complaint of Mid-Hudson Area Local  
and Consumers of USPS

Docket No. C2013-3

ORDER GRANTING EXTENSION OF TIME TO RESPOND  
TO MOTION TO DISMISS

(Issued May 21, 2013)

On April 8, 2013, the Mid-Hudson Area Local of the American Postal Workers Union (Complainant) filed a complaint arguing that the Postal Service's implementation of the Network Rationalization Plan violates 39 U.S.C. § 101(d), section 302 of the Postal Accountability and Enhancement Act of 2006, and the National Labor Relations Act.<sup>1</sup>

On April 29, 2013, the Postal Service filed a Motion to Dismiss the Complaint, asserting that the Commission lacks jurisdiction to hear the Complaint.<sup>2</sup> Under the Commission's rules, a response to the Motion to Dismiss was due within 7 days of the

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<sup>1</sup> Complaint of Mid-Hudson Area Local & Consumers Regarding Failure to Revise and Update Information to the Union & Consumers on the AMP Study for Mid-Hudson P.&D. Center, April 8, 2013 (Complaint).

<sup>2</sup> Motion of the United States Postal Service to Dismiss Complaint, April 29, 2013 (Motion to Dismiss).

motion's filing. See 39 C.F.R. § 3001.21(b). The due date for filing a response has passed.

On May 16, 2013, the Complainant filed a motion with the Commission to accept a late response and to extend the deadline to respond to the Motion to Dismiss.<sup>3</sup> The Complainant seeks additional time to file a response on grounds that it was not aware that the Postal Service filed a Motion to Dismiss, and that any motions would not be sent by mail. Motion for Extension at 1.

Service of documents in Commission proceedings is governed by its rules. See 39 C.F.R. § 3001.12. However, given the lack of prejudice to any party, the Motion for Extension is granted. The Complainant's answer to the Motion to Dismiss is due no later than June 3, 2013.

*It is ordered:*

1. The Mid-Hudson Area Local Motion to File Late Acceptance and Requesting an Extension to Respond to Motion to Dismiss, filed May 16, 2013, is granted.
2. The Complainant's answer to the Motion to Dismiss is due no later than June 3, 2013.

By the Commission.

Shoshana M. Grove  
Secretary

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<sup>3</sup> Mid-Hudson Area Local Motion to File Late Acceptance and Requesting an Extension to Respond to Motion to Dismiss, May 16, 2013 (Motion for Extension).